

PLANNING COMMISSION MINUTES

May 1, 2007

7:00 P.M.

Present: Chairman Clark Jenkins, Vice-Chairman Tom Smith, Michael Allen, Ray Keller, Mark Green, Kirt Peterson, City Council Representative Barbara Holt, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen, and Recording Secretary Connie Feil.

Clark Jenkins welcomed all those present and had all Commission Members introduce themselves.

Barbara Holt made a motion to approve the minutes for April 17, 2007, and April 24, 2007 as written. Ray Keller seconded the motion and voting was unanimous in favor.

1. Consider final site plan and preliminary and final plat approval for Kathryn Lane Condominiums located at 161 W. 1000 N., Katie Eckman, applicant.

Katie Eckman, applicant, was present. Paul Rowland explained that the Planning Commission recommended preliminary site plan approval for these four units in January 2007 as an extension of the existing four apartments at 155 West 1000 North. Some discussion was made at that time about combining the two developments into one 8 unit development, which is what they have proposed.

The January preliminary site plan approval included several conditions which have been incorporated into this site plan and condominium plat. The only significant change still required is to redraw the utility lines so that the units are all serviced off of one set of connections. That way they would cut into 100 North at only one location reducing the impact on the street and paving.

The City Planner has reviewed the landscaping and parking plans and found that they meet the minimum criteria for approval. In fact, the new units are only required to have 11 stalls, but 20 will be provided. Four of the stalls will be guest parking which will be shared between the old and new units, which will bring the old units into compliance with our current parking standards.

With the project proposed as a condominium project, a bond will be required for all of the underground and surface improvements. A bond and fee letter will be prepared for completion prior to recording of the condo plat.

Staff recommends that the Planning Commission send a favorable recommendation for final site plan approval and preliminary and final condominium plat approval of the Kathryn Lane Condominiums with the following conditions:

1. Post the bond and pay the required fee per the bond letter
2. Make minor changes to the plat and site plan per red lines
3. Submit a current title report
4. Complete a Development Agreement with the City
5. Meet all requirements of City Land Use Ordinances
6. Provide a complete Storm Water Pollution Prevention Plan

Kirt Peterson made a motion to recommend to the City Council final site plan and preliminary and final plat approval of the Kathryn Lane Condominiums subject to the conditions outlined by Staff. Mark Green seconded the motion and voting was unanimous in favor.

2. Consider a zone amendment from C-G to MXD-R for Orchard Drive Business Complex located at 2084 S. Orchard Dr., Matt carter, applicant.

Randy Lewis, representing the applicant, was present. Aric Jensen explained that Mr. Carter is requesting a zone map amendment from C-G (General Commercial) to MXD-R (Mixed-Use Residential) at 2084 South Orchard Drive. This site is located on two parcels which total approximately 2 acres in size. The front parcel contains an old service station building which was decommissioned in the 1990's. Records show that the fuel tanks were removed in accordance with the EPA underground tank removal program in effect at the time. The rear of the property slopes significantly downhill to the west and is currently vacant. The Planning Commission heard this item on April 17th, at which time the public hearing was held.

At the public hearing, several residents and property owners commented on the proposed project. The main concerns that were expressed were storm drainage, proximity to the homes on Penman Lane, view of the mountains, and screening/buffering/fencing. A revised development plan based on these concerns was presented and discussed between the Planning Commission and the residents.

Mr. Jensen explained that one of the requirements of the MXD-R subzone is that the mix of uses be at least 50% and not greater than 75% residential use, and that the other 50% to 25% be commercial, office, or other non-residential use. Another requirement is that the developer include a list of setbacks, height limitations, and other standards that would apply to the project and that would differ from the defaults in the zone. The only item that staff was significantly concerned with was a proposal to reduce the parking requirements in the multi-family area. Since this is not a true mixed-use development, staff recommends that the multi-family parking requirement of 2.75 stalls per unit remain. The revised site plan shows 35 uncovered stalls, 20 garage stalls, and eight office stalls that could be shared with the residential area during evening hours. This works out to 2.75 stalls per unit, plus the eight shared stalls.

The office building would essentially be 2 stories high with a full basement. Each level would be approximately 4600 sq. ft, with the main and upper level improved with finished office space, and the lower level would be finished storage/conference room space, for a total of 14,000 sq. ft.

Parking for the office building would be in front adjacent to Orchard Dr. The residential portion of the project as proposed would consist of 20 townhomes, which is the maximum allowed by Bountiful City Ordinance on a single access road.

Staff recommends approval of the proposed zone change from General Commercial (C-G) to Mixed-Use Residential (MXD-R) or continue the item for further discussion and refinement.

Mark Green made a motion to recommend to the City Council a zone amendment from C-G to MXD- for Orchard Drive Business Complex located at 2084 S. Orchard Drive subject to the following conditions:

1. The last 25% of the residential permits cannot be issued until the commercial building has been started.
2. Maximum of 20 residential units.
3. Parking requirements will follow the current residential parking standards.

Tom Smith seconded the motion and voting passed by majority vote. Kirt Peterson and Michael Allen abstained from voting.

3. PUBLIC HEARING-Consider preliminary and final subdivision approval for Shaw Subdivision located at 680 E. 400 N., Justin Shaw, applicant.

Justin Shaw, applicant, was present. Paul Rowland explained that this proposed 2-lot subdivision is basically a division of the existing lot at 680 East 400 North. The property is on the south side of 400 North and the east side of Stone Creek where it crosses 400 North. The proposed subdivision is located in an R-4 area which requires 8,000 square feet per lot with 70 feet of frontage at the required setback. Both of the proposed lots easily meet these requirements with the new lot containing 11,100 sf. and the lot with the existing home containing 28,850 sf. The new lot will have a frontage of 107 ft. and the lot with the existing house will have a frontage of 83.5 ft.

The utility laterals are already in place for the east lot because of the existing house. The newly created lot will require a new sewer and water lateral, which will be installed at the time the building permit is issued. The curb and gutter will be bonded for with the new building permit and will be brought up to standard at that time.

With the property located immediately adjacent to Stone Creek, Davis County flood control ordinances require that an access easement be provided along the creek channel plus the 4' half width or the channel itself. The subdivision plat provides a 19 ft. wide easement which runs parallel and adjacent to the creek, which allows for a 15 ft. wide access along the edge of the channel. All other necessary public utility easements are shown on the plat.

This property is not in an existing subdivision and therefore does not require additional hearings

to vacate it from a subdivision and it is not subject to the Council's policy of further dividing lots in existing subdivisions.

Staff recommends preliminary and final subdivision approval of the Shaw Subdivision with the following conditions:

1. Pay the required Storm Drain Impact Fee of \$1,925.70.
2. Pay Recording and Checking fees of \$250.00.
3. Pay, install, and bond for any other required improvements and fees.
4. Provide a current title report.

The public hearing was opened for comments and concerns. The public hearing was closed without comments.

Mark Green made a motion to recommend to the City Council preliminary and final subdivision approval for Shaw subdivision located at 680 E. 400 N. subject to the conditions outlined by Staff. Barbara Holt seconded the motion and voting was unanimous in favor.

4. PUBLIC HEARING-Consider a zone amendment from R-F to R-F-PDO located South of Highland Oaks Drive & Mountain Oaks Drive (approx 4000 S. & 1000 E.), Farmhouse Holding, applicant.

Troy Sanders, representing Farmhouse Holdings, was present. Mr. Jensen would not make a formal presentation at this time. Instead, he briefly reviewed the provisions of the City Ordinance regarding cuts and fills, maximum cul-de-sac length, buildable area, and road grade. The explanations are explained in the memo Mr. Jensen prepared which are as follows:

For the past year, City Staff has been meeting periodically with Becky and Aaron Rennert and their design team regarding the development of a large property located to the east of the terminus of Highland Oaks Dr. This a very challenging property to develop because almost the entire site is composed of ground with a natural slope of at least 20% slope, and the majority of the property is ground with 30% slope or steeper. As a result, every road, homesite, and driveway within this proposed development will require retaining and/or filling of earth to one degree or another. This issue of cuts, fills, retaining, soil stabilization, etc., is one of two principal issues that the Commission will need to consider while reviewing this proposal.

The second principal issue is site access. As proposed, there is only one road in and out of the subdivision. This road is approximately 2000 feet long, as measured from the intersection of Mountain Oaks Dr. to the center of the cul-de-sac. The driveway at the end of the cul-de-sac would extend another 400+ feet for a total of approximately 2500 linear feet from Mountain Oaks Dr. to the furthest home. This is 1400 feet longer than the 600 feet of cul-de-sac plus 500 feet of driveway (1100 feet total) that is allowed under

our current ordinance. There is a total of 29 single family dwelling units proposed along this single access. Current ordinances allow a maximum of 20 units on a single access road.

There are several other important issues that need to be discussed, however, due to the complexity of this project, staff recommends that the Commission review this development in at least two different steps. The idea is to use the first meeting as a data gathering and general comment type event, and then to allow a period of time for the applicants to revise their project and for staff to do a detailed review and analysis. Then at a subsequent meeting, staff would give the detailed report and the Commission could take action or ask the applicants for further refinement. A possible action timetable could be as follows:

May 01 meeting

1. Listen to presentation from development team
2. Allow City staff to make comments
3. Open public hearing (do not close)
4. Discuss global issues such as the two principal items mentioned by staff
5. Give feed back to the development team and City staff
6. Continue the item to allow for in-depth staff review and comments, and/or for the development team to make modifications as necessary

May 15 or subsequent meeting

- Listen to report from City staff/development team regarding changes
- Receive additional public comments
- Discuss pertinent issues
- Decide whether item is ready for action
- If action is to continue, then do not close public hearing
- If action is to recommend approval or denial, then close public hearing and make appropriate motion

[End of memo.]

Troy Sanders presented a power point presentation which gave an overview of the proposal. Mr. Sanders explained that the project consists of 113 acres of property and his clients would like to develop this property as a PUD. There is an existing water tank on the property and another water tank will be required to serve the development and surrounding areas. There is a prominent ridge on the northeast side of the property which will conceal part of the development. A significant part of the property is on ground over the 30% slope. Mr. Sanders presented different layouts for the project and mentioned that there have been a lot of challenges to meet the Ordinance. Mr. Sanders mentioned that in talking with Staff they have addressed significant

issues such as : engineering, concerns with building on the hillside, clustering homes, and leaving green space. The concept plan presented shows 28 units with open space. The second bend in the road, toward the cul-de-sac, is on the 30% slope and the same goes for four of the building pads. Mr. Sanders feels that the benefit of clustering the homes is to preserve the open space.

Mr. Sanders continued to explain that the roadway is proposed to be a private road maintained by the homeowners. The length of the road is 2500 feet and the applicants recognize that this is an exception to the rule of 600 feet, but they also recognize that there is flexibility at looking for what is best for the site. Each pad site will have a building foot print of a minimum of 6000 sq. ft., which meets the ordinance, and each pad meets the setbacks per the ordinance. As a PUD, each property owner will be required to follow strict requirements for building. All homes will have to be built within the building foot print of the property, they will regulate control of the retaining walls, materials used, and site design. Each home will have a minimum of 4000 sq. ft. on the main level and 6500 sq. ft. overall size for the home. Building material requirements are 60% brick or stone with some stucco. The homeowners association will cover the maintenance of the roadways, garbage pickup and open space. There is no need for the general public to drive this area so the applicant would like to apply for security gate at the entrance of the property.

Mr. Sanders understands that there are some exceptions that need to be granted such as portions of the roadway exceed the 12% slope, portions of the building pads exceed the 30% slope, and there are cuts and fills over 10 feet. Mr. Sanders feels that this proposal gives a reasonable balance between the need to preserve the hillside and to meet the intent of the Hillside Ordinance.

Paul Rowland explained that there are several exceptions that would have to be made to the Hillside Ordinance, which are as follows:

EXCEPTIONS:

1. The length of the cul-de-sac which would more than triple the 600 ft. allowable length.
2. An additional water tank will be required to service this project.
3. There are serious cuts/fills over 10 feet and building on slopes greater than 30%.

The public hearing was opened for comments and concerns:

Tom Gyuro, residing at 951 Highland Oaks Dr., had concerns with the increased traffic that these homes will create. An additional 80-90 cars coming down the road creates concerns for the safety of the children. Adding clustered housing creates a completely different look and feel for the neighborhood. Another concern is with the increased possibility of having a fire. Mr. Gyuro also has concerns with the water pressure not only for his home but the surrounding homes. There is also a problem with erosion of the hillside and the fact that these lots are extremely smaller than the existing lots.

Clair Carling, residing at 699 Highland Oaks Dr., agrees with what Mr. Gyuro has said. Mr. Carling has concerns with the density of this project. This project has a lot of building in a small area compared to the surrounding area. Mr. Carling feels that the advantages are going to the developer and the disadvantages are falling on those who have built according to the City Codes. Mr. Carling feels that money is talking and the City should be careful with what is being built. If a gate is put on this project, it will prevent him and others from having access to the public lands.

Jon Hardy, residing at 3551 Huntington Dr., has concerns with the length of the cul-de-sac and would prefer to have a second access to the property. Mr. Hardy is also a developer and these exceptions could set a precedence for developers. This proposal has too many problems, the main one is having too long of a cul-de-sac.

Mike Serio, residing at 4067 S. Mountain Oaks Dr., has concerns with this project being so close to his home. Because of the steep grade the snow plows have a hard time making the corner which and run over his property. The storm drains are also a concern because they seem to always back up and flow down the street.

Jon Robinson, residing at 1110 Highland Oaks Dr., agrees with all that has been said and appreciates the idea of the open space but does not agree with the high density. Mr. Robinson has spent \$500,000.00 to landscape and retain his property before he built his home. It is not fair that a developer can come in and build high density homes because they can only find enough space for 6,000 sq. ft. buildable pads. There should be some consideration for those surrounding homes having large lots with large homes. Mr. Robinson also has concerns with the safety of having only one access for this project.

Mike Holm, residing at 3905 Mountain Oaks Dr., has concerns with the existing water tank which runs through his property. When the new water tank is built, Mr. Holm has concerns with the large equipment running too close to his property and existing driveway. There is a problem with the water pressure now, and he is concerned about what will happen to the pressure when there is a fire because of the new homes. Mr. Holms does not agree with the high density in this area and asked if there could be an easement to be able to have access for walking/hiking.

Brian Drake, residing at 4030 Mountain Oaks, feels that this is the wrong project in the wrong area. This area should stay as a residential area with large acre lots. This will create too much traffic, more erosion and water problems. This project does not fit the area.

Tai and Vickie Bright, residing at 985 Highland Oaks Dr., have concerns with the value of their home. The roads are steep and the cars go off the road now. This project is asking for an exception for steeper roads than allowed. There are great concerns for the safety of the drivers as well as the children in the area.

Kevin Mower, residing at 996 Highland Oaks Dr., feels that this is a horrible idea. The

developers are breaking all the rules for this area.

Martha Schindler, residing at 835 Highland Oaks Dr., agrees with all that has been said and she has concerns with having a fire in the area. This is a steep and wooded area and the potential of fire with the addition of these units is very spooky and frightens her.

Clark Jenkins explained to all those present that the main purpose for the Planning Commission is to decide: 1) what is best for the area, 2) if the request is within City Ordinances, 3) does the City want to divert from the ordinances, 4) and review safety issues. This hearing is not for approval of the project but to rezone the property. The applicant is presenting what is possible for the use of the property, and the Planning Commission's desire is to be fair with the residents and the applicants.

Comments from the public were closed at this time so the Planning Commission could discuss their concerns.

Barbara Holt had concerns with all the exceptions being requested. The Hillside Ordinance has restrictions for a reason which is to protect the hillside and the residents. Mrs. Holt had real concerns with the length of the road and the cul-de-sac, the fact that there is the idea of only one access, and a gate at the entrance of the project. All of these concerns have real safety issues, especially with fire protection.

Mark Green also had concerns with the length of the road and cul-de-sac, and the large cuts/fills. There are many safety issues with emergency access and fire protection. The exceptions are stretched too far. Mr. Green feels that this is not only wrong, but way wrong.

Clark Jenkins number one problem is getting fire protection to the homes on a one way street. This area is full of oak brush which burns fast and hot and would be too hard to fight with only one access.

Tom Smith feels that this project is exceeding the maximum for any approval. Deviating from the existing codes is going to create problems. It is too much of a stretch of the Ordinance.

Ray Keller feels that the City will end up with problems with this project. There will be 28 unhappy homeowners when the underground springs appear in different places on the property.

There was a discussion between Troy Sanders and the Planning Commission regarding the idea of having single lots versus PUD, length and grade of the road, cuts/fills into the hillside and no second access from the property. The Planning Commission has no problems with a PUD, but not this plan because of the length and grade of the road, and no second access. Also, there are great concerns with fire and emergency services with only one access.

Paul Rowland suggested that the Planning Commission give Mr. Sanders some guidelines to follow so he can revise the site plan.

Kirt Peterson mentioned that some parcels of ground are unbuildable and this may be one of those pieces. It is not the responsibility of the Planning Commission to accommodate the developer. It is the responsibility of the developer to comply with the ordinances.

The Planning Commission agreed that the developer needs to revise the site plan to comply with the ordinances. The Commission is OK with cuts/fills if they are minimized and retained properly. The Commission and Staff are uncomfortable with the length of a cul-de-sac being 2000 feet. It was suggested that Mr. Sanders meet with Staff again before making any changes to the plans.

Mark Green made a motion to continue the public hearing so the developer can make changes to the plans and bring them back for review on June 5, 2007. Barbara Holt seconded the motion and voting was unanimous.

5. Consider proposed text amendments to Title 14, the Bountiful City Land Ordinance, Professional Office Zone (Chapter 8), which has a working title of “500 South Professional Office subzone”.

Aric Jensen explained that he has made the changes as discussed in the last meeting. Mr. Jensen reviewed those changes which included the size of signs allowed, permitted and non-permitted uses, types of fences allowed, and architectural standards. It was suggested to have all check cashing businesses as a non-permitted use. The Commission agreed with the changes and approved the draft as presented.

Mark Green made a motion to recommend to the City Council approval of the text amendments to Title 14, “500 South Professional Office subzone” subject to the changes as discussed. Ray Keller seconded the motion and voting was unanimous.

Meeting adjourned at 9:05 p.m.